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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

TONY VALENTINO CARTER,

Defendant and Appellant.

E071425

(Super.Ct.No. CR040804)

OPINION

APPEAL from the Superior Court of Riverside County. John D. Malloy, Judge.

Affirmed.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Tony Valentino Carter appeals from the trial court's order of September 13, 2018, denying without prejudice his petition for resentencing under Penal Code section 1170.18 (Proposition 47). We affirm.

## **FACTS AND PROCEDURE**

On August 6, 1991, defendant took or drove a red two-door 1971 Datsun “Z.”

On August 23, 1991, defendant pled guilty to driving or taking a vehicle with a prior theft conviction (Veh. Code, former § 10851; Pen. Code, former § 666.5, subd. (a)) and other charges. On September 6, 1991, the court sentenced defendant to three years in state prison on that count.

On February 13, 2018, defendant filed a petition for recall of sentence seeking to have the Vehicle Code section 10851 conviction reduced to a misdemeanor under Proposition 47. The trial court denied the petition without prejudice on September 13, 2018, on the ground that defendant failed to meet his burden of showing that the value of the vehicle taken did not exceed \$950.

This appeal followed.

## **DISCUSSION**

Upon defendant’s request, this court appointed counsel to represent him on appeal. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and a potentially arguable issue, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, and he has not done so.

An appellate court conducts a review of the entire record to determine whether the record reveals any arguable issues which, if resolved favorably to defendant, would result in reversal or modification of the judgment. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-442; *People v. Feggans* (1967) 67 Cal.2d 444, 447-448; *Anders v. California, supra*, 386 U.S. at p. 744; see *People v. Johnson* (1981) 123 Cal.App.3d 106, 109-112.)

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

#### **DISPOSITION**

The trial court's order denying the petition without prejudice is affirmed.

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RAMIREZ  
P. J.

We concur:

McKINSTER  
J.

RAPHAEL  
J.